Single Bench

(3)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 152 /2005

PETITIONER :- Smt. Sarswati Bai W/o Radheshyam, aged about 41 years, by caste Gond, R/o. village Jaroundha, Tah. Takhatpur, Distt. Bilaspur.

VERSUS

RESPONDENTS :- 1) State of Chhattisgarh Through :- Department of Panchayat and Social Welfare Mantralaya, Raipur (C.G.).

2) Chief Election Officer, Bilaspur (C.G.)

3) The Returning Officer, Panchayat Takhatpur, Distt. Bilaspur (C.G.).

4) The Assistant Returning Officer, Bilaspur (C.G.).

5) Satte S/o Feku, aged about 40 years,

6) Feku S/o Sonha, aged about 42 years,

7) Ballu S/o'Pardeshi, aged 24 years,

All of R/o village Jaroundha, Tah. Takhatpur, Distt. Bilaspur.

P.R. No. 173/05 Presented by Shri N.K. Sharma dated 14.01.05

CERTIFIED COPY 14-1-05 Bilaspur

Office to A.G.

WRIT PETITION UNDER ARTICLE 226/277 OF THE CONSTITUTION OF INDIA.

1) PARTICULARS OF THE PETITIONER :-

As given above in the cause title.

2) PARTICULARS OF THE RESPONDENTS :-

As given above in the cause title.

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(17)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 152/ सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	19.1.2005 On a mention being made, the matter is taken up for hearing. Shri Malay Kumar Bhaduri, counsel for the petitioner. Shri Pramod Kumar Verma, Additional Advocate General for the State/ respondents No.1 to 4. Heard both the counsel. The petitioner has preferred this writ petition questioning the legality and correctness of the order dated 29.12.2004 passed by the Assistant Returning Officer, Takhatpur, whereby the nomination for the post of Sarpanch of Gram Panchayat: Jaroundha has been rejected on the ground that the petitioner has encroached upon some Government land and also that her caste certificate has been cancelled. Disputed facts are involved in this matter and moreover, the election is scheduled to be held tomorrow. Therefore, at this stage, by invoking the jurisdiction under Article 226 of the Constitution of India, interference by this Court is unwarranted. The petition is therefore, liable to be dismissed on this ground and it is accordingly, dismissed, at the admission stage itself. However, the petitioner is at liberty to seek remedy available to her under the law. Consequently, M.(W.)P.No 130/2005 and I.A.No.330/2005 stand disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	

Soma